

Appl. No. 10/733,003  
Response dated July 18, 2007  
Reply to Office Action May 18, 2007

### REMARKS/ARGUMENTS

In response to the Examiner's Office Action of May 18, 2007, Applicants are herein presenting the following considerations.

The Examiner has rejected claim 6 under 35 USC 112 second paragraph for indefiniteness where the Examiner has indicated that a section is unclear which involves part (b3) in part (b3a) in regard to the word "it".

In this regard the word "it" has been eliminated and clarifying clauses have been inserted to make the claim language clearer.

Additionally Examiner has rejected claims 3 and 6 under 35 USC 101 on the basis that claims are directed to a non-statutory subject matter and do not direct toward a final result that is "useful, tangible and concrete".

In this particular situation, Applicants would traverse the Examiner's consideration on these matters. Applicants do contend that this particular configuration and its operation do provide a tangible result

As stated in page 2 of the specification at line 12 where Applicant stated ---

Indexes permit database applications to rapidly retrieve rows based on search criteria. Additionally, indexes permit relationships to be maintained between rows of the table. The most commonly used relationship is row ordering based on certain columns in the table known as key columns. Thus indexes allow random rapid random retrieval and order and sequential retrieval ---.

Then further at line 21 of page 2 of the specification ---

Therefore to fetch a row from a table via an index, at least two disk reads must be executed: (i) to fetch the block that contains the index entry from the index file and (ii) to fetch the block containing the row from the table file ---.

Then at page 3 of the specification at line 18 ---

It is therefore important to have a system which provides a mechanism that enables OLE DB applications to access columns present in index structures without accessing the base table --- (as the method of the present invention does) ---.

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Then at page 4 of the specification line 17 ---

However, the method of the present invention focuses on the cases where database queries fetch a limited set of columns from a table. The current invention also checks whether the query fetches columns which are present in an index spanning the table and, if so, issues database fetch requests from only the index structure which is much more efficient than obtaining the whole row from the base table ---.

Then as stated in page 6 of the specification under Brief Summary of the Invention: ---

It is therefore an embodiment of the invention to provide an optimization of a query by utilizing the FIND KEY OF feature of the DMSII back-end database. The FIND KEY OF API allows an application to fetch data only from the index structure. Such queries will be significantly faster than queries that access the base table directly to fetch columns. This is because an index structure contains far greater number of entries per disk block compared to the base table and thus can be scanned faster with fewer disk reads of consuming lower main RAM memory and their resources.

Then at page 6 of the specification line 15 ---

The OLE DB Data Provider optimizes the fetching of data by accessing the index without going to the base table if the fetch uses an index (that is, an Enterprise Database Server set or subset) and retrieves columns only from the index or retrieves no columns at all (for instance scanning for counting records without binding any data columns).

Then at the specification page 6 line 25 ---

This invention takes advantage of this fact in order to decide whether access to the base table is needed. If the consumer application accesses a database table via an index and creates column bindings for only the key and key-data column, thus the data for this column is supplied by the OLE DB Provider from the index structures.

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Applicants would herein assert that there is an actual real word result which is useful in Applicant's invention.

In regard to the Manual of Patent Examining Procedure at section 2107, there are guidelines for examination of applications, for compliance with the utility requirement. These indicate:

If it is apparent that the claimed invention has a well-established utility, it is not proper for the Examiner to impose a rejection based on lack of utility. The standard for utility may be stated as follows:

- (i) a person of ordinary skill in the art would appreciate why the invention is useful.
- (ii) the utility is specific and substantial and is credible.

For example Applicant has cited cross references to related cases at page 1 of the specification which show the area of usefulness which is involved with this invention.

Further as stated in the Manual of Patent Examining Procedure section 2107 ---

An Applicant need only provide one credible assertion of the specific substantial utility to satisfy the utility requirement.

The fact that such inventions such as listed under the cross references plus the instant invention show that considerable efforts are provided in technology companies for their development of the use of OLE DB applications and with the need to access data in a rapid and efficient fashion. It may be indicated that it is more likely than not that a person skilled in the art of computer technology would certainly recognize the utility of the present application.

This is not a situation where the invention "may prove useful". On the other hand, this is an actual operative situation which has been developed by a team of computer engineers in a well-established computer company and is done and used as a useful entity.

As is noted in the claims, the invention works to provide access to a data record in an efficient and specialized manner. It is a common function for computer systems to have a database and in which access is provided for the accession of data in that database. This is basically what is done by the present invention.

Quoting from the Manual of Patent Examining Procedure it was stated as follows:

Thus the case of N Ray Langer 183 USPQ and page 297 provides a test.

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As a matter of Patent Office practice, a specification which contains a disclosure of utility which corresponds to the subject matter sought to be patented must be taken as sufficient to satisfy the utility requirement --- unless some reason questions the objected truth of the statement.

Thus the Examiner must start by asking if there is any reason to question the truth of Applicant's statement of utility --- if the statement of utility is credible or believable based on record, then it is improper for the Examiner to provide a rejection on lack of utility.

Additionally, the sole inventor of this particular application has indicated he would be willing to supply a written statement of the actual utility involved in this application. However, due to travel requirements on another job he was required to go to India for a period of time and indicated he would not be readily available for some period.

Now with the provided amendments to claims 3 and 6 which are the presently remaining claims in the case, it is respectfully requested that Examiner take another look at the amendments of the claims and see that they have been clarified and the claims should be viewed as a whole in their entirety. Thus Applicants would request timely Notice of Allowance for the existing claims in this case.

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Respectfully submitted,

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Carol A. Wasserman July 18, 2007  
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